

### Remarks/Arguments

1. Originally submitted Claims 1 – 11 have been canceled and replaced by new Claims 12 and 13 to more particularly point out and distinctly claim the subject matter applicants regard as their invention.

2. New claims 12 and 13 distinguish applicants' invention from the cited prior art in that the Pianezza reference does not teach, suggest or disclose the use of medium or high buttons to achieve a more specific and desired heat for cooking food items. Moreover, new claims 12 and 13 recite the ability of applicants' cooking utensil to cook food whether in a level or non-level disposition. Applicants' cooking utensil does not need to interact with the surface on which it is disposed to actuate or engage the cooking process. This is in contradistinction to the Pianezza reference wherein the cup interacts with the supporting surface so that an internal switch can be opened for initiating the heating process as explained, for example, on page 2, lines 40 – 47, and page 3, lines 10 –22.

In addition, the entire on/off switching structure recited in new claims 12 and 13 is absent from the Pianezza reference in so far as Pianezza's container is specifically designed to function without an externally and manually manipulable on/off switch that initiates that actual heating of the coils as explained on page 1, lines 24 – 32.

4. Thus, new claims 12 and 13 point out features that are not specifically disclosed in the Pianezza reference, and to which the Pianezza reference actually teaches away from.

5. This Amendment has been prepared and submitted in a good faith effort to overcome the Examiners objections and rejections as set forth in the Office Action dated August 5, 2004.

6. Applicant respectfully requests that this Amendment be accepted and that the application should proceed to examination.

Respectfully Submitted

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Handwritten signature of Theresa A. Seal.